

FILED

NOV 05 2020

Mark C. McCartt, Clerk
U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAVID SAMUEL BOGGS, JR.,

Defendant.

) Case No. 20-CR-00229-JED

) **SUPERSEDING INDICTMENT**

) **[COUNT 1: 18 U.S.C. §§ 922(g)(1)**

) **and 924(a)(2) - Felon in Possession of**

) **a Firearm and Ammunition;**

) **COUNT 2: 18 U.S.C. §§ 922(g)(8) and**

) **924(a)(2) - Possession of Firearm**

) **While Subject to a Domestic Violence**

) **Protective Order;**

) **COUNT 3: 18 U.S.C. §§ 1151, 1153,**

) **and 113(a)(8) - Assault of a Spouse,**

) **Intimate Partner, Dating Partner by**

) **Strangling, and Attempting to**

) **Strangle or Suffocate in Indian**

) **Country;**

) **COUNT 4: 18 U.S.C. §§ 1151, 1153,**

) **and 113(a)(3) - Assault With a**

) **Dangerous Weapon in Indian**

) **Country;**

) **COUNTS 5 and 8: 18 U.S.C. §§ 1151,**

) **1153, and 1201 - Attempted**

) **Kidnapping in Indian Country;**

) **COUNTS 6 and 10: 18 U.S.C. §§**

) **1151, 2262(a)(1), 2262(b)(2), and**

) **2262(b)(3) - Interstate Violation of a**

) **Protective Order in Indian Country;**

) **COUNT 7: 18 U.S.C. §§ 1151,**

) **2261A(1)(A), 2261(b)(2), 2261(b)(3),**

) **and 2261(b)(6) - Stalking in Indian**

) **Country;**

) **COUNT 9: 18 U.S.C. § 924(c)(1)(A)(i)**

) **- Carrying and Using a Firearm**

) **During and in Relation to a Crime of**

) **Violence;**

) **Forfeiture Allegation: 18 U.S.C. §**

) **924(d)(1) and 28 U.S.C. § 2461(c) -**

) **Firearm Forfeiture]**

THE GRAND JURY CHARGES:

COUNT ONE
[18 U.S.C. §§ 922(g)(1) and 924(a)(2)]

On or about June 17, 2020, in the Northern District of Oklahoma, the defendant, **DAVID SAMUEL BOGGS**, knowing he had previously been convicted of the following crimes punishable by imprisonment for terms exceeding one year:

1. Kidnapping (Count One), Case No. CF-2018-4960, in the District Court of Tulsa County, State of Oklahoma, on January 3, 2019;
2. Kidnapping (Count Two), Case No. CF-2018-4960, in the District Court of Tulsa County, State of Oklahoma, on January 3, 2019; and
3. Domestic Abuse - Second Offense (Count Three), Case No. CF-2018-4960, in the District Court of Tulsa County, State of Oklahoma, on January 3, 2019,

did knowingly possess in and affecting interstate commerce the following firearm and ammunition:

1. An FMK, Model Patriot, 9mm caliber pistol, serial number BGG0778; and
2. Eleven rounds of 9mm caliber ammunition.

All in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

COUNT TWO
[18 U.S.C. §§ 922(g)(8) and 924(a)(2)]

On or about June 17, 2020, in the Northern District of Oklahoma and elsewhere, the defendant, **DAVID SAMUEL BOGGS**, knowing he was subject to a court order issued on April 3, 2019, Case No. PO-2018-3745, in the District Court in and for Tulsa County, State of Oklahoma, which:

1. was issued after a hearing of which he received actual notice, and at which he had an opportunity to participate; and
2. restrained him from harassing, stalking, and threatening an intimate partner, and restrained him from engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the intimate partner; and
3. by its terms explicitly prohibited the use, attempted use and threatened use of physical force against such intimate partner that would reasonably be expected to cause bodily injury, and included a finding that the defendant was a credible threat to the physical safety of the intimate partner,

did knowingly possess in and affecting interstate commerce the following firearm and ammunition:

1. An FMK, Model Patriot, 9mm caliber pistol, serial number BGG0778; and
2. Eleven rounds of 9mm caliber ammunition.

All in violation of Title 18, United States Code, Sections 922(g)(8) and 924(a)(2).

COUNT THREE
[18 U.S.C. §§ 1151, 1153, and 113(a)(8)]

On or about June 10, 2020, within Indian Country in the Northern District of Oklahoma, the defendant, **DAVID SAMUEL BOGGS**, an Indian male, did assault T.H., a female known to the Grand Jury, who was an intimate partner and dating partner, by strangling and attempting to strangle her.

All in violation of Title 18, United States Code, Sections 1151, 1153, and 113(a)(8).

COUNT FOUR
[18 U.S.C. §§ 1151, 1153, and 113(a)(3)]

On or about June 10, 2020, within Indian Country in the Northern District of Oklahoma, the defendant, **DAVID SAMUEL BOGGS**, an Indian male, with intent to do bodily harm, did assault T.H., a female known to the Grand Jury, with a dangerous weapon by kicking her in the head and elsewhere with steel-toed boots.

All in violation of Title 18, United States Code, Sections 1151, 1153, and 113(a)(3).

COUNT FIVE
[18 U.S.C. §§ 1151, 1153, and 1201]

On or about June 10, 2020, within Indian Country in the Northern District of Oklahoma, the defendant, **DAVID SAMUEL BOGGS**, did unlawfully attempt to seize, confine, decoy, kidnap, abduct, carry away, and hold for some purpose and benefit T.H., a female known to the Grand Jury.

All in violation of Title 18 United States Code, Sections, 1151, 1153, and 1201.

COUNT SIX
[18 U.S.C. §§ 1151, 2262(a)(1), 2262(b)(2), and 2262(b)(3)]

On or about June 10, 2020, within Indian Country in the Northern District of Oklahoma, and elsewhere, the defendant, **DAVID SAMUEL BOGGS**, caused T.H., a female known to the Grand Jury, to leave and enter Indian Country by force, coercion, and duress, and in the course of, as a result of, and to facilitate such conduct and travel engaged in conduct that violated the portion of a protection order filed on April 3, 2019, in the District Court of Tulsa County, State of Oklahoma, that provided protection against violence, threats, and harassment against; prohibited contact and communication and physical proximity with T.H. The defendant, **DAVID SAMUEL BOGGS**, used a dangerous weapon during the offense and caused life threatening bodily injury by strangling and attempting to strangle T.H.

All in violation of Title 18, United States Code, Sections 1151, 2262(a)(1), 2262(b)(2), and 2262(b)(3).

COUNT SEVEN

[18 U.S.C. §§ 1151, 2261A(1)(A), 2261(b)(2), 2261(b)(3), and 2261(b)(6)]

Beginning on or about June 10, 2020, through June 17, 2020, within Indian County in the Northern District of Oklahoma, the defendant, **DAVID SAMUEL BOGGS**, with the intent to kill, injure, harass, and intimidate T.H., a female known to the Grand Jury, and, in the course of and as a result of his presence, placed T.H. in reasonable fear of death and serious bodily injury to T.H., and caused, and would be reasonably expected to cause, T.H. substantial emotional distress. The defendant, **DAVID SAMUEL BOGGS**, committed the above acts in violation of a protection order, as described in Title 18, United States Code, Section 2266, used a dangerous weapon during the offense, and caused life threatening bodily injury by strangling and attempting to strangle T.H.

All in violation of Title 18, United States Code, Sections 1151, 2261A(1)(A), 2261(b)(2), 2261(b)(3), and 2261(b)(6).

COUNT EIGHT
[18 U.S.C. §§ 1151, 1153, and 1201]

On or about June 17, 2020, within Indian Country in the Northern District of Oklahoma, the defendant, **DAVID SAMUEL BOGGS**, did unlawfully attempt to seize, confine, decoy, kidnap, abduct, carry away, and hold for some purpose and benefit T.H., a female known to the Grand Jury.

All in violation of Title 18 United States Code, Sections 1151, 1153, and 1201.

COUNT NINE
[18 U.S.C. § 924(c)(1)(A)(i)]

On or about June 17, 2020, in the Northern District of Oklahoma, the defendant, **DAVID SAMUEL BOGGS**, knowingly carried and used a firearm, that is, an FMK, Model Patriot, 9mm caliber pistol, serial number BGG0778, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, that is, Attempted Kidnapping in Indian Country, a violation of Title 18, United States Code, Sections 1151, 1153, and 1201, as more fully set forth in Count Eight of this Superseding Indictment.

All in violation of Title 18, United States Code, Section 924(c)(1)(A)(i).

COUNT TEN

[18 U.S.C. §§ 1151, 2262(a)(1), 2262(b)(2), and 2262(b)(3)]

On or about June 17, 2020, within Indian Country in the Northern District of Oklahoma, and elsewhere, the defendant, **DAVID SAMUEL BOGGS**, caused T.H., a female known to the Grand Jury, to leave and enter Indian Country by force, coercion, and duress, and in the course of, as a result of, and to facilitate such conduct and travel engaged in conduct that violated the portion of a protection order filed on April 3, 2019, in the District Court of Tulsa County, State of Oklahoma, that provided protection against violence, threats, and harassment against; and prohibited contact and communication and physical proximity with T.H. The defendant, **DAVID SAMUEL BOGGS**, used a dangerous weapon during the offense and caused life threatening bodily injury by strangling and attempting to strangle T.H.

All in violation of Title 18, United States Code, Sections 1151, 2262(a)(1), 2262(b)(2), and 2262(b)(3).

FORFEITURE ALLEGATION
[18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c)]

The allegations contained in this Superseding Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 18, United States Code, Section 924(d)(1), and Title 28, United States Code, Section 2461(c).

Upon conviction of an offense alleged in Counts One, Two, and Nine of this Superseding Indictment, as a part of his sentence, the defendant, **DAVID SAMUEL BOGGS, JR.**, shall forfeit to the United States any firearm and ammunition involved in or used in the knowing commission of such offense. The property to be forfeited includes, but is not limited to:

1. An FMK, Model Patriot, 9mm caliber pistol, serial number BGG0778; and
2. Eleven rounds of 9mm caliber ammunition.

All pursuant to Title 18, United States Code, Section 924(d)(1), and Title 28, United States Code, Section 2461(c).

R. TRENT SHORES
UNITED STATES ATTORNEY



KEVIN C. FLETCHER
Assistant United States Attorney

A TRUE BILL

/s/ Grand Jury Foreperson
Grand Jury Foreperson